

REMARKS

Claims 1-20 are currently pending in this application.

In a September 17, 2007 Office Action, the Examiner objected to claims 1-20 under 35 U.S.C. § 112, first paragraph, as claiming subject matter not described in the specification. In particular, the Examiner objected to the term “detachably” in lines 5 and 6 of claim 1. At the Examiner’s suggestion, the applicant struck said term and replaced the same with “releasably”, which is supported in lines 24-28, page 6, of the specification. Claims 13, 15, 16, 17 and 20 were specifically objected to for similar reasons and were amended accordingly. The applicant respectfully requests the Examiner withdraw the objections to claims 1-20.

The Examiner rejected claims 1-15 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number 7,119,744 (“Theobold”). The applicant respectfully disagrees. Claim 1 specifically recites that:

at least one ground plane mounted on at least one substrate releasably coupled to the access point and radio frequency coupled to at least one of the at least one omni directional antenna, such that **when the at least one ground plane is coupled to the access point the at least one omni directional antenna functions as a directional antenna to shape a coverage area of the access point and such that when the at least one ground plane is not coupled to the access point the at least one omni direction antenna provides an omni directional coverage area.**

Accordingly, the position and orientation of the at least one ground plane is claimed with respect to the at least one omni directional antenna so that the omni directional antenna functions as a directional antenna, which then shapes the coverage area of the access point. These are limitations on the claims, relating specifically to the structure and orientation of the device, such that performance is altered. Therefore such limitations cannot be dismissed as mere “intended use language.”

The Theobold reference teaches an access point that incorporates a passive antenna structure 20 to isolate pairs of antennae, operating on different channels. The passive antenna does not cause the individual antennae 12 or 14 to operate as directional antennae. The passive antenna is comprised of absorbing foam 22 and metal reflectors 24. The Theobold specification is devoid of disclosure that indicate

that positioning of the metal reflectors cause them to serve as ground planes in a manner that result in the antennae operating as directional antennae. Specifically, the figures depict the metal reflectors as lines on a top surface of the passive antenna 20. There is no indication of the size or shape of the reflectors, which is taught by the present applicant as being relative to causing an antenna to operate as a directional antenna. Moreover, the orientation of the crossed reflectors causes uneven distances between the individual antennae and the surfaces of the reflectors. One of skill in the art would certainly appreciate, therefore, that such a structure cannot teach or otherwise disclose the transition of an omni directional antenna to a directional antenna. In the end, Thoebold teaches the use of multiple antenna to encircle a periphery of the access point. In this manner, Thoebold does not teach the shaping of the coverage area for its access point, as specifically claimed within claim 1 of the present application.

Anticipation under 35 U.S.C. § 102 focuses on the questions of whether or not a claim reads on the product or process disclosed by a prior art reference, not what the reference broadly "teaches." Kalman v. Kimberly-Clarke Corp., 713 F.2d 760 (Fed. Cir. 1983). "For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed function must be identically shown in a single reference." Diversitech Corp. v. Century Steps, Inc., 850 F.2d 675 (Fed. Cir. 1988); Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference). The differences between the Thoebold device and that claimed within claim 1 are substantial and significant. Accordingly, claim 1 is believed to be patentably distinct from the prior art. Claims 2-12 each ultimately depend from amended claim 1 and are believed to be allowable for at least the reasons set forth herein with respect to claim 1.

Claims 13 and 17 are independent and each essentially contain the limitation of claim 1 quoted hereinabove. Claims 13 and 17 are, therefore, believed to be allowable for at least the reasons set forth herein with respect to claim 1. Claims 14-16 depend ultimately from claim 13 and claims 18-20 each depend from claim 17. Accordingly, claims 14-16 and 18-20 are also believed to be allowable for similar

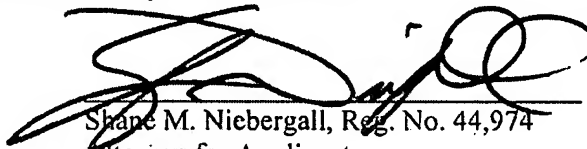
reasons. The Examiner is respectfully requested to reconsider and allow the aforementioned claims.

The Examiner rejected claims 16 and 20 under 35 U.S.C. § 103(a) as being obvious and unpatentable over Theobald in further view of United States Patent Publication Number 2004/0169612 ("Song, et al."). The applicant respectfully traverses the rejection. In particular, the applicant has demonstrated herein how Theobald does not provide the relevant teaching suggested by the Examiner. The Song et al. reference does not make up for Theobald's shortcomings in these areas. Accordingly, as the cited prior art do not teach or otherwise disclose the claimed subject matter, claims 16 and 20 are believed to be in condition for allowance.

The applicant respectfully requests withdrawal of the pending rejections and allowance of the claims.

No fee is believed due for entry of this paper. If a petition fee is required for consideration of this submission, please charge such fee to our Deposit Account No. 08-2623. If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted this 29th day of October 2007.



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